

By: Hancock, et al.  
(Smithee)

S.B. No. 936

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to certain agreements with collective bargaining  
3 organizations related to certain publicly funded public work  
4 contracts.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 51.7761(b), Education Code, is amended  
7 to read as follows:

8 (b) An institution awarding a public work contract funded  
9 in whole or in part with state or local governmental money or  
10 governmentally administered financial assistance, including the  
11 issuance of debt guaranteed by this state or a local governmental  
12 entity, money from ratepayers, or money from user fees, may not:

13 (1) prohibit, require, discourage, or encourage a  
14 person bidding on the public work contract, including a contractor  
15 or subcontractor, from entering into or adhering to an agreement  
16 with a collective bargaining organization relating to the project;  
17 or

18 (2) discriminate against a person described by  
19 Subdivision (1) based on the person's involvement in the agreement,  
20 including the person's:

21 (A) status or lack of status as a party to the  
22 agreement; or

23 (B) willingness or refusal to enter into the  
24 agreement.

1 SECTION 2. Section 2269.0541(a), Government Code, is  
2 amended to read as follows:

3 (a) A governmental entity awarding a public work contract  
4 funded in whole or in part with state or local governmental money or  
5 governmentally administered financial assistance, including the  
6 issuance of debt guaranteed by this state or a local governmental  
7 entity, money from ratepayers, or money from user fees, may not:

8 (1) prohibit, require, discourage, or encourage a  
9 person bidding on the public work contract, including a contractor  
10 or subcontractor, from entering into or adhering to an agreement  
11 with a collective bargaining organization relating to the project;  
12 or

13 (2) discriminate against a person described by  
14 Subdivision (1) based on the person's involvement in the agreement,  
15 including the person's:

16 (A) status or lack of status as a party to the  
17 agreement; or

18 (B) willingness or refusal to enter into the  
19 agreement.

20 SECTION 3. The changes made by this Act to Section 51.7761,  
21 Education Code, and Section 2269.0541, Government Code, apply only  
22 to a public work contract for which an invitation for offers,  
23 request for proposals, request for qualifications, or other similar  
24 solicitation is first published or distributed on or after the  
25 effective date of this Act. A public work contract for which an  
26 invitation for offers, request for proposals, request for  
27 qualifications, or other similar solicitation is first published or

1 distributed before the effective date of this Act is governed by the  
2 law in effect at the time the invitation, request, or other  
3 solicitation is published or distributed, and the former law is  
4 continued in effect for that purpose.

5         SECTION 4. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2023.